AMENDMENT IN THE NATURE OF A SUBSTITUTE то Н.К. 3293

OFFERED BY MS. BLUNT ROCHESTER OF **DELAWARE**

Strike all after the enacting clause and insert the following:

1	SECTION 1. SHORT TITLE.
2	This Act may be cited as the "Low-Income Water
3	Customer Assistance Programs Act of 2021".
4	SEC. 2. LOW-INCOME DRINKING WATER ASSISTANCE PRO-
5	GRAM.
6	Part E of the Safe Drinking Water Act (42 U.S.C.
7	300j et seq.) is amended by adding at the end the fol-
8	lowing:
9	"SEC. 1459E. LOW-INCOME DRINKING WATER ASSISTANCE
10	PROGRAM.
11	"(a) Definitions.—In this section:
12	"(1) ELIGIBLE ENTITY.—The term 'eligible en-
13	tity' means—
14	"(A) a community water system that is
15	owned or operated by a municipality, other than
16	a small community-serving water system; or

1	"(B) a State, with respect to a small com-
2	munity-serving water system located in the
3	State.
4	"(2) Household.—The term 'household'
5	means any individual or group of individuals who
6	are living together as 1 economic unit.
7	"(3) Local drinking water access pro-
8	GRAM.—The term 'local drinking water access pro-
9	gram' means a program developed or implemented
10	by an eligible entity using a grant awarded under
11	this section.
12	"(4) LOW-INCOME HOUSEHOLD.—The term
13	'low-income household' means a household—
14	"(A) in which 1 or more individuals are re-
15	ceiving—
16	"(i) assistance under a State program
17	funded under part A of title IV of the So-
18	cial Security Act (42 U.S.C. 601 et seq.);
19	"(ii) supplemental security income
20	payments under title XVI of the Social Se-
21	curity Act (42 U.S.C. 1381 et seq.);
22	"(iii) supplemental nutrition assist-
23	ance program benefits under the Food and
24	Nutrition Act of 2008 (7 U.S.C. 2011 et
25	seq.); or

1	"(iv) payments under—
2	"(I) section 1315, 1521, 1541, or
3	1542 of title 38, United States Code;
4	or
5	"(II) section 306 of the Veterans'
6	and Survivors' Pension Improvement
7	Act of 1978 (38 U.S.C. 1521 note;
8	Public Law 95–588); or
9	"(B) that has an income that—
10	"(i) as determined by the State in
11	which the household is located, does not
12	exceed the greater of—
13	"(I) an amount equal to 150 per-
14	cent of the poverty level; and
15	"(II) an amount equal to 60 per-
16	cent of the State median income for
17	that State; or
18	"(ii) does not exceed an amount, de-
19	termined by an eligible entity receiving a
20	grant under this section, that—
21	"(I) is lower that the amount de-
22	scribed in clause (i); and
23	"(II) is greater than or equal to
24	110 percent of the poverty level.

1	"(5) Poverty Level.—The term 'poverty
2	level' means, with respect to a household in a State,
3	the income described in the poverty guidelines issued
4	by the Secretary of Health and Human Services
5	pursuant to section 673 of the Community Services
6	Block Grant Act (42 U.S.C. 9902), as applicable to
7	the household.
8	"(6) Small community-serving water sys-
9	TEM.—The term 'small community-serving water
10	system' means a community water system that pro-
11	vides drinking water services to a municipality with
12	a population of fewer than 10,000 residents, at least
13	20 percent of whom are at or below the poverty
14	level.
15	"(7) STATE MEDIAN INCOME.—The term 'State
16	median income' has the meaning given that term in
17	section 2603 of the Low-Income Home Energy As-
18	sistance Act of 1981 (42 U.S.C. 8622).
19	"(b) Establishment.—
20	"(1) In general.—The Administrator shall es-
21	tablish a Federal low-income drinking water assist-
22	ance program to award grants to eligible entities to
23	develop and implement local drinking water access
24	programs to assist low-income households in main-
25	taining access to affordable drinking water.

1	"(2) Requirements for small community-
2	SERVING WATER SYSTEMS.—In order for a State to
3	be eligible to receive a grant under this section for
4	a small community-serving water system, the State
5	and the small community-serving water system shall
6	enter into a memorandum of understanding, under
7	which the State shall—
8	"(A) submit to the Administrator an appli-
9	cation under paragraph (6) for the small com-
10	munity-serving water system; and
11	"(B) on receipt of a grant under this sec-
12	tion, develop and implement a local drinking
13	water access program for the small community-
14	serving water system.
15	"(3) Limitations.—A grant awarded under
16	this subsection—
17	"(A) shall not be used to replace funds for
18	any existing similar local program to assist low-
19	income households in maintaining access to af-
20	fordable drinking water; but
21	"(B) may be used to supplement or en-
22	hance such a local program.
23	"(4) Term.—The term of a grant awarded
24	under this subsection shall be one year.

1	"(5) Minimum local program require-
2	MENTS.—
3	"(A) In General.—Not later than 6
4	months after the date of enactment of this sec-
5	tion, the Administrator shall develop, in con-
6	sultation with relevant stakeholders, the min-
7	imum requirements for a local drinking water
8	access program.
9	"(B) Inclusions.—The local drinking
10	water access program requirements developed
11	under subparagraph (A) may include—
12	"(i) direct financial assistance;
13	"(ii) a lifeline rate;
14	"(iii) bill discounting;
15	"(iv) special hardship provisions;
16	"(v) a percentage-of-income payment
17	plan;
18	"(vi) water efficiency assistance, in-
19	cluding subsidizing the cost of the installa-
20	tion of water efficient fixtures or leak re-
21	pair work that is carried out or contracted
22	by a homeowner; or
23	"(vii) any other form of assistance
24	identified by the Administrator.
25	"(6) Application.—

1	"(A) In General.—To receive a grant
2	under this subsection, an eligible entity shall
3	submit to the Administrator an application that
4	demonstrates that—
5	"(i) the proposed local drinking water
6	access program meets the requirements de-
7	veloped under paragraph (5); and
8	"(ii) the proposed local drinking water
9	access program will treat households that
10	live in owner-occupied homes and house-
11	holds that live in rental housing equitably.
12	"(B) Additional requirements.—In
13	the case of an eligible entity described in sub-
14	section (a)(1)(A), to receive a grant under this
15	subsection, the eligible entity shall include in an
16	application submitted under subparagraph (A)
17	information demonstrating that—
18	"(i) the eligible entity has—
19	"(I) a long-term financial plan
20	based on an analysis of the rates the
21	applicable community water system
22	charges for drinking water services;
23	"(II) an asset management plan;

1	"(III) a capital improvement plan
2	with a period of not less than 20
3	years;
4	"(IV) a fiscal management plan;
5	or
6	"(V) another plan similar to the
7	plans described in subclauses (I)
8	through (IV);
9	"(ii) a grant awarded under this sub-
10	section would support the efforts of the eli-
11	gible entity to generate the necessary funds
12	to achieve or maintain compliance with this
13	Act while mitigating the cost to low-income
14	households; and
15	"(iii) the eligible entity has the capac-
16	ity to create and implement an effective
17	community outreach plan to inform low-in-
18	come households of the local drinking
19	water access program and assist with en-
20	rollment.
21	"(7) Priority.—In awarding grants under this
22	subsection, the Administrator shall give priority to
23	applications for local drinking water access pro-
24	grams with respect to which—

1	"(A) the owner or operator of the applica-
2	ble community water system—
3	"(i) owns or operates a—
4	"(I) treatment works (as defined
5	in section 212 of the Federal Water
6	Pollution Control Act (33 U.S.C.
7	1292)) for municipal waste; or
8	"(II) a municipal separate storm
9	sewer system (as such term is used in
10	the Federal Water Pollution Control
11	Act); and
12	"(ii) is subject to a consent decree re-
13	lating to compliance with the Federal
14	Water Pollution Control Act (33 U.S.C.
15	1251 et seq.) with respect to a treatment
16	works or system described in clause (i);
17	"(B) the residential customers of the appli-
18	cable community water system have experienced
19	rate or fee increases for drinking water services
20	or wastewater services (including stormwater
21	services) of 30 percent or more during the 3-
22	year period ending on the date of enactment of
23	this section; or

1	"(C) the eligible entity will provide match-
2	ing funds in an amount equal to or greater
3	than the amount of the grant.
4	"(8) Reporting requirements.—
5	"(A) IN GENERAL.—As a condition of re-
6	ceiving a grant under this subsection, an eligi-
7	ble entity shall submit to the Administrator, in
8	a manner determined by the Administrator, in-
9	formation regarding the applicable local drink-
10	ing water access program, including—
11	"(i) key features, including—
12	"(I) rate structures, rebates, dis-
13	counts, and related initiatives that as-
14	sist low-income households;
15	"(II) billing methods that aver-
16	age rates over the course of a year,
17	known as 'budget billing';
18	"(III) bill timing; and
19	"(IV) procedures that ensure
20	that households receive notice and an
21	opportunity to respond before service
22	is disconnected or interrupted due to
23	nonpayment;
24	"(ii) sources of funding;
25	"(iii) eligibility criteria;

11

1	"(iv) participation rates by house-
2	holds;
3	"(v) the average amount of assistance
4	provided to low-income households that
5	participate in the program;
6	"(vi) program costs;
7	"(vii) the demonstrable impacts of the
8	program on arrearage and service dis-
9	connection for low-income households that
10	participate in the program, based on data
11	from before and after the implementation
12	of the program, to the maximum extent
13	practicable; and
14	"(viii) other relevant information re-
15	quired by the Administrator.
16	"(B) Publication.—The Administrator
17	shall annually publish a report that compiles
18	and summarizes the information submitted
19	under subparagraph (A).
20	"(9) Assistance exempt from taxation.—
21	Notwithstanding any other provision of law, assist-
22	ance provided to a low-income household under a
23	local drinking water access program shall not be in-
24	cludible in the gross income of the recipient of such

1	assistance for purposes of the Internal Revenue
2	Code of 1986.
3	"(c) Technical Assistance.—The Administrator
4	shall provide technical assistance to each eligible entity
5	that receives a grant under this section to ensure—
6	"(1) full implementation of the applicable local
7	drinking water access program; and
8	"(2) maximum enrollment of low-income house-
9	holds in the applicable local drinking water access
10	program, including through—
11	"(A) community outreach campaigns; or
12	"(B) coordination with local health depart-
13	ments to determine the eligibility of households
14	for assistance.
15	"(d) Report.—Not later than 2 years after the date
16	on which grant funds are first disbursed to an eligible enti-
17	ty under this section, and annually thereafter, the Admin-
18	istrator shall submit to Congress a report on the results
19	of the Federal program established under this section.
20	"(e) Authorization of Appropriations.—There
21	is authorized to be appropriated to carry out this section
22	\$4,000,000,000, to remain available until expended.".

1	SEC. 3. LOW-INCOME WASTEWATER ASSISTANCE PROGRAM.
2	Title I of the Federal Water Pollution Control Act
3	(33 U.S.C. 1251 et seq.) is amended by adding at the end
4	the following:
5	"SEC. 124. LOW-INCOME WASTEWATER ASSISTANCE PRO-
6	GRAM.
7	"(a) Definitions.—In this section:
8	"(1) COVERED FACILITY.—The term 'covered
9	facility' means—
10	"(A) a treatment works for municipal
11	waste; or
12	"(B) a municipal separate storm sewer
13	system.
14	"(2) Eligible entity.—The term 'eligible en-
15	tity' means—
16	"(A) a municipality that owns or operates
17	a covered facility, other than a small commu-
18	nity-serving wastewater facility;
19	"(B) 2 or more municipalities described in
20	subparagraph (A) that have entered into a part-
21	nership agreement or a cooperative agreement;
22	or
23	"(C) a State, with respect to a small com-
24	munity-serving wastewater facility located in
25	the State.

1	"(3) Household.—The term 'household'
2	means any individual or group of individuals who
3	are living together as 1 economic unit.
4	"(4) Local Wastewater Services access
5	PROGRAM.—The term 'local wastewater services ac-
6	cess program' means a program developed or imple-
7	mented by an eligible entity using a grant awarded
8	under this section.
9	"(5) Low-income Household.—The term
10	'low-income household' means a household—
11	"(A) in which 1 or more individuals are re-
12	ceiving—
13	"(i) assistance under a State program
14	funded under part A of title IV of the So-
15	cial Security Act (42 U.S.C. 601 et seq.);
16	"(ii) supplemental security income
17	payments under title XVI of the Social Se-
18	curity Act (42 U.S.C. 1381 et seq.);
19	"(iii) supplemental nutrition assist-
20	ance program benefits under the Food and
21	Nutrition Act of 2008 (7 U.S.C. 2011 et
22	seq.); or
23	"(iv) payments under—

1	"(I) section 1315, 1521, 1541, or
2	1542 of title 38, United States Code;
3	or
4	"(II) section 306 of the Veterans'
5	and Survivors' Pension Improvement
6	Act of 1978 (38 U.S.C. 1521 note;
7	Public Law 95–588); or
8	"(B) that has an income that—
9	"(i) as determined by the State in
10	which the household is located, does not
11	exceed the greater of—
12	"(I) an amount equal to 150 per-
13	cent of the poverty level; and
14	"(II) an amount equal to 60 per-
15	cent of the State median income for
16	that State; or
17	"(ii) does not exceed an amount, de-
18	termined by an eligible entity receiving a
19	grant under this section, that—
20	"(I) is lower that the amount de-
21	scribed in clause (i); and
22	"(II) is greater than or equal to
23	110 percent of the poverty level.
24	"(6) Poverty Level.—The term 'poverty
25	level' means, with respect to a household in a State,

1	the income described in the poverty guidelines issued
2	by the Secretary of Health and Human Services
3	pursuant to section 673 of the Community Services
4	Block Grant Act (42 U.S.C. 9902), as applicable to
5	the household.
6	"(7) Small community-serving waste-
7	WATER FACILITY.—The term 'small community-serv-
8	ing wastewater facility' means a covered facility that
9	provides services to municipality with a population
10	of fewer than 10,000 residents, at least 20 percent
11	of whom are at or below the poverty level.
12	"(8) STATE MEDIAN INCOME.—The term 'State
13	median income' has the meaning given that term in
14	section 2603 of the Low-Income Home Energy As-
15	sistance Act of 1981 (42 U.S.C. 8622).
16	"(b) Establishment.—
17	"(1) In general.—The Administrator shall es-
18	tablish a Federal low-income wastewater assistance
19	program to award grants to eligible entities to de-
20	velop and implement local wastewater access pro-
21	grams to assist low-income households in maintain-
22	ing access to affordable wastewater services, includ-
23	ing municipal stormwater services.
24	"(2) Requirements for small community-
25	SERVING WASTEWATER FACILITIES.—In order for a

1	State to be eligible to receive a grant under this sec-
2	tion for a small community-serving wastewater facil-
3	ity, the State and the small community-serving
4	wastewater facility shall enter into a memorandum
5	of understanding, under which the State shall—
6	"(A) submit to the Administrator an appli-
7	cation under paragraph (6) for the small com-
8	munity-serving wastewater facility; and
9	"(B) on receipt of a grant under this sec-
10	tion, develop and implement a local wastewater
11	access program for the small community-serv-
12	ing wastewater facility.
13	"(3) Limitations.—A grant awarded under
14	this subsection—
15	"(A) shall not be used to replace funds for
16	any existing similar local program to assist low-
17	income households in maintaining access to af-
18	fordable wastewater services, including munic-
19	ipal stormwater services; but
20	"(B) may be used to supplement or en-
21	hance such a local program.
22	"(4) Term.—The term of a grant awarded
23	under this subsection shall be one year.
24	"(5) MINIMUM LOCAL PROGRAM REQUIRE-
25	MENTS.—

1	"(A) In General.—Not later than 6
2	months after the date of enactment of this sec-
3	tion, the Administrator shall develop, in con-
4	sultation with relevant stakeholders, the min-
5	imum requirements for a local wastewater ac-
6	cess program.
7	"(B) Inclusions.—The local wastewater
8	access program requirements developed under
9	subparagraph (A) may include—
10	"(i) direct financial assistance;
11	"(ii) a lifeline rate;
12	"(iii) bill discounting;
13	"(iv) special hardship provisions;
14	"(v) a percentage-of-income payment
15	plan;
16	"(vi) water efficiency assistance, in-
17	cluding subsidizing the cost of the installa-
18	tion of water efficient fixtures or leak re-
19	pair work that is carried out or contracted
20	by a homeowner; or
21	"(vii) any other form of assistance
22	identified by the Administrator.
23	"(6) Application.—
24	"(A) In General.—To receive a grant
25	under this subsection, an eligible entity shall

1	submit to the Administrator an application that
2	demonstrates that—
3	"(i) the proposed local wastewater ac-
4	cess program meets the requirements de-
5	veloped under paragraph (5); and
6	"(ii) the proposed local wastewater ac-
7	cess program will treat households that live
8	in owner-occupied homes and households
9	that live in rental housing equitably.
10	"(B) Additional requirements.—In
11	the case of an eligible entity described in sub-
12	section (a)(1)(A), to receive a grant under this
13	subsection, the eligible entity shall include in an
14	application submitted under subparagraph (A)
15	information demonstrating that—
16	"(i) the eligible entity has—
17	"(I) a long-term financial plan
18	based on an analysis of the rates the
19	applicable covered facility charges for
20	services;
21	"(II) an asset management plan;
22	"(III) a capital improvement plan
23	with a period of not less than 20
24	years;

1	"(IV) a fiscal management plan;
2	or
3	"(V) another plan similar to the
4	plans described in subclauses (I)
5	through (IV);
6	"(ii) a grant awarded under this sub-
7	section would support the efforts of the eli-
8	gible entity to generate the necessary funds
9	to achieve or maintain compliance with this
10	Act while mitigating the cost to low-income
11	households; and
12	"(iii) the eligible entity has the capac-
13	ity to create and implement an effective
14	community outreach plan to inform low-in-
15	come households of the local wastewater
16	access program and assist with enrollment.
17	"(7) Priority.—In awarding grants under this
18	subsection, the Administrator shall give priority to
19	applications for local wastewater access programs
20	with respect to which—
21	"(A) the applicable covered facility is sub-
22	ject to a consent decree relating to compliance
23	with this Act;
24	"(B) the residential customers of the appli-
25	cable covered facility have experienced rate or

1	fee increases for drinking water services or
2	wastewater services (including stormwater serv-
3	ices) of 30 percent or more during the 3-year
4	period ending on the date of enactment of this
5	section;
6	"(C) the eligible entity develops an equiva-
7	lent program, as determined by the Adminis-
8	trator, that is administered separately by the el-
9	igible entity;
10	"(D) matching funds will be provided in an
11	amount equal to or greater than the amount of
12	the grant; or
13	"(E) the eligible entity is described in sub-
14	section $(a)(2)(B)$.
15	"(8) Reporting requirements.—
16	"(A) IN GENERAL.—As a condition of re-
17	ceiving a grant under this subsection, an eligi-
18	ble entity shall submit to the Administrator, in
19	a manner determined by the Administrator, in-
20	formation regarding the applicable local waste-
21	water access program, including—
22	"(i) key features, including—
23	"(I) rate structures, rebates, dis-
24	counts, and related initiatives that as-
25	sist low-income households:

1	$"(\Pi)$ billing methods that aver-
2	age rates over the course of a year,
3	known as 'budget billing'; and
4	"(III) bill timing;
5	"(ii) sources of funding;
6	"(iii) eligibility criteria;
7	"(iv) participation rates by house-
8	holds;
9	"(v) the average amount of assistance
10	provided to low-income households that
11	participate in the program;
12	"(vi) program costs;
13	"(vii) the demonstrable impacts of the
14	program on arrearage and service dis-
15	connection for low-income households that
16	participate in the program, based on data
17	from before and after the implementation
18	of the program, to the maximum extent
19	practicable; and
20	"(viii) other relevant information re-
21	quired by the Administrator.
22	"(B) Publication.—The Administrator
23	shall annually publish a report that compiles
24	and summarizes the information submitted
25	under subparagraph (A).

1	"(9) Assistance exempt from taxation.—
2	Notwithstanding any other provision of law, assist-
3	ance provided to a low-income household under a
4	local wastewater access program shall not be includ-
5	ible in the gross income of the recipient of such as-
6	sistance for purposes of the Internal Revenue Code
7	of 1986.
8	"(c) Technical Assistance.—The Administrator
9	shall provide technical assistance to each eligible entity
10	that receives a grant under this section to ensure—
11	"(1) full implementation of the applicable local
12	wastewater access program; and
13	"(2) maximum enrollment of low-income house-
14	holds in the applicable local wastewater access pro-
15	gram, including through—
16	"(A) community outreach campaigns; or
17	"(B) coordination with local health depart-
18	ments to determine the eligibility of households
19	for assistance.
20	"(d) Report.—Not later than 2 years after the date
21	on which grant funds are first disbursed to an eligible enti-
22	ty under this section, and annually thereafter, the Admin-
23	istrator shall submit to Congress a report on the results
24	of the Federal program established under this section.

1	"(e) Authorization of Appropriations.—There
2	is authorized to be appropriated carry out this section
3	\$4,000,000,000, to remain available until expended.".
4	SEC. 4. NEEDS ASSESSMENT FOR NATIONWIDE RURAL AND
5	URBAN LOW-INCOME COMMUNITY WATER AS-
6	SISTANCE PROGRAM.
7	(a) Definitions.—In this section:
8	(1) Administrator.—The term "Adminis-
9	trator' means the Administrator of the Environ-
10	mental Protection Agency.
11	(2) Household.—The term "household"
12	means any individual or group of individuals who
13	are living together as 1 economic unit.
14	(3) Low-income Household.—The term
15	"low-income household" means a household—
16	(A) in which 1 or more individuals are re-
17	ceiving—
18	(i) assistance under a State program
19	funded under part A of title IV of the So-
20	cial Security Act (42 U.S.C. 601 et seq.);
21	(ii) supplemental security income pay-
22	ments under title XVI of the Social Secu-
23	rity Act (42 U.S.C. 1381 et seq.);
24	(iii) supplemental nutrition assistance
25	program benefits under the Food and Nu-

1	trition Act of 2008 (7 U.S.C. 2011 et
2	seq.); or
3	(iv) payments under—
4	(I) section 1315, 1521, 1541, or
5	1542 of title 38, United States Code;
6	or
7	(II) section 306 of the Veterans'
8	and Survivors' Pension Improvement
9	Act of 1978 (38 U.S.C. 1521 note;
10	Public Law 95–588); or
11	(B) that has an income that, as deter-
12	mined by the State in which the household is lo-
13	cated, does not exceed the greater of—
14	(i) an amount equal to 150 percent of
15	the poverty level; and
16	(ii) an amount equal to 60 percent of
17	the State median income for that State.
18	(4) POVERTY LEVEL.—The term "poverty
19	level" means, with respect to a household in a State,
20	the income described in the poverty guidelines issued
21	by the Secretary of Health and Human Services
22	pursuant to section 673 of the Community Services
23	Block Grant Act (42 U.S.C. 9902), as applicable to
24	the household.

1	(5) STATE MEDIAN INCOME.—The term "State
2	median income" has the meaning given that term in
3	section 2603 of the Low-Income Home Energy As-
4	sistance Act of 1981 (42 U.S.C. 8622).
5	(b) Study; Report.—
6	(1) In general.—Not later than one year
7	after the date of enactment of this Act, the Adminis-
8	trator shall conduct, and submit to Congress a re-
9	port describing the results of, a study regarding the
10	prevalence throughout the United States of low-in-
11	come households that do not have access to—
12	(A) affordable and functional centralized
13	or onsite wastewater services that protect the
14	health of individuals in the households;
15	(B) affordable municipal stormwater serv-
16	ices; or
17	(C) affordable public drinking water serv-
18	ices to meet household needs.
19	(2) Inclusions.—The report under paragraph
20	(1) shall include—
21	(A) recommendations of the Administrator
22	regarding the best methods to increase access
23	to the services described in paragraph (1);
24	(B) a description of the cost of each meth-
25	od described in subparagraph (A);

1	(C) a description of all consultation with
2	relevant stakeholders carried out in developing
3	the report; and
4	(D) a description of the results of the
5	study with respect to low-income households
6	that live in rental housing and do not receive
7	bills for such services, but pay for the services
8	indirectly through rent payments.
9	(3) AGREEMENTS.—The Administrator may
10	enter into an agreement with another Federal agen-
11	cy to carry out the study under paragraph (1).

